

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

ORDER ADOPTING  
REPORT AND RECOMMENDATION  
03-CV-578(JS)(ARL)

HOWARD SALTEN, MARGARET SALTEN, and  
if not living their heirs-at-law, if  
any, PATRICIA SALTEN, also known as  
PATRICIA LYNCH, JOHN DOES #1-10,  
inclusive, such names being fictitious  
and unknown to Plaintiff, the persons  
or parties intended being tenants,  
occupants, persons, corporations, or  
other legal entities, if any, having  
or claiming an interest in or lien  
upon the premises described in the  
Complaint,

Defendants.

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APPEARANCES:

For Plaintiff: Thomas A. McFarland, AUSA  
United States Attorneys' Office  
Eastern District of New York  
610 Federal Plaza  
Central Islip, New York 11722

For Defendant  
Howard Salten: Howard Salten, pro se  
P.O. Drawer 5066  
Southampton, New York 11969

For Other  
Defendants: No Appearance

SEYBERT, District Judge:

Pending before the Court is the Report and Recommendation  
filed by Magistrate Judge Arlene R. Lindsay, dated January 29,  
2007. The Magistrate Judge recommended that this Court award

Plaintiff \$52,863.56, consisting of the principal amount of \$16,783.46, advances for taxes and other charges in the amount of \$15,234.15, plus interest at a rate of 8 1/8% calculated through February 1, 2005, and interest at a daily rate of \$7.83 from February 1, 2005 to the date of judgment.

On January 30, 2007, Plaintiff attempted to serve Defendant with the Report and Recommendation via certified mail, return receipt requested. Plaintiff mailed the Report and Recommendation to the last post office box address Defendant provided to the Court. The Report and Recommendation was returned as undeliverable, and the Clerk of the Court docketed the certificate on February 26, 2007.

Defendant has had a long history of refusing to provide the proper address to the Court and not appearing in Court for scheduled hearings and conferences before the Court. See United States v. Salten, 02-CV-3062 (E.D.N.Y. Mar. 7, 2003) (magistrate noting that Defendant refused to disclose address); United States v. Salten, 03-CV-578 (E.D.N.Y. Aug. 23, 2004) (clerk of the court certifying Defendants' default). The Court has directed Defendant to provide a post office box address where he can receive service of documents from the Court and Plaintiff. See United States v. Salten, 03-CV-578 (E.D.N.Y. Aug. 21, 2003) (ordering Defendant to provide address for service). It is not this Court's job to maintain current addresses of all litigants; rather, the parties

must provide such changes of address as well as make timely status inquiries. See Sherrill v. Walsh, 96-CV-0016, 1996 U.S. Dist. LEXIS 12694, at \*3 (N.D.N.Y. June 14, 1996) (noting the parties' duties to inform the courts of address changes).

None of the parties have objected to the Report and Recommendation. As no party has filed objections to the Report and Recommendation, all objections are hereby deemed to have been waived. See 28 U.S.C. § 636(b)(1); FED R. CIV. P. 72; Beverly v. Walker, 118 F.3d 900, 902 (2d Cir. 1997); Savoie v. Merchants Bank, 84 F.3d 52, 60 (2d Cir. 1996).

After carefully reviewing the submissions of the parties, Judge Lindsay's findings, and applying the appropriate legal standards, this Court ADOPTS the Report and Recommendation in its entirety. The Court finds that no clear error appears on the face of the record; accordingly, the Court may accept the recommendation despite the attempted service of the Report and Recommendation upon Defendant. See Santana v. Giambruno, 97-CV-850, 1998 U.S. Dist. LEXIS 23435, at \*2 (N.D.N.Y. May 28, 1998) (adopting report and recommendation despite service of report returned as undeliverable).

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
April 10, 2007